

### REMARKS

This Amendment is made to the Office Action dated December 24, 2003. Claims 1-12 are pending in this application. Applicant thanks the Examiner for the allowance of claim 4. Additionally, Applicant notes that the Examiner has indicated claims 6, 8-9 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, Applicant has presented original claim 6 as new independent claim 13. Claim 8 has now been rewritten in independent form as new claim 14. New dependent claim 15 contains the recitations of original claim 9 and is dependent from newly added independent claim 14. By this Amendment, Applicants have amended claims 1 and 7 to clarify the present invention. Reconsideration of the pending claims is respectfully requested.

The Examiner has rejected claims 1-3, 7 and 10-11 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,868,755 to Kanner (the "Kanner patent"). Applicant has reviewed the Kanner patent and notes that while the Kanner patent discloses the use of a sheath which can be retracted from a mounted stent, there is no disclosure of the use of a sheath which contains sufficient strength to prevent any portion of the expandable member that may be covered from the sheath from expanding once the expandable member is inflated. Rather, the Kanner patent discloses a sheath retractor mechanism which produces sequential one-way movement of the sheath in controlled increments to expose the balloon catheter and stent mount thereon without disturbing its position once placed in the patient. Simply put, there is no disclosure in the Kanner patent of the use of a sheath that possesses sufficient strength to prevent expansion of a portion of the expandable member covered by the sheath. Accordingly, it is believed that the Kanner patent fails to disclose all elements and steps recited in the claims at issue.

Applicant respectfully requests the Examiner to withdraw the Kanner patent as an anticipatory reference to these claims.

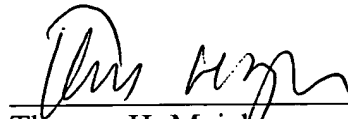
The Examiner has rejected claim 5 under 35 U.S.C. §103(a) as being unpatentable over the Kanner patent in view of U.S. Patent No. 6,447,540 to Fontaine et al. (the "Fontaine patent"). The Fontaine patent fails to provide any additional disclosure which would supplement the lack of disclosure in the Kanner patent, addressed above. The combination of these two patents fails to achieve the structure recited in claim 1. Accordingly, this same combination would fail to achieve the structure recited in dependent claim 5. Applicant respectfully requests the Examiner to withdraw the §103(a) obviousness rejection as applied to claim 5.

In view of the foregoing, it is respectively urged that all of the present claims of the application are patentable and in a condition for allowance. The undersigned attorney can be reached at 310-824-5555 to facilitate prosecution of this application, if necessary.

Respectfully submitted,

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